

355
LABOUR DEPARTMENT

The 15th April, 1975

No. 3662-4Lab-75/12606.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Geco India, 13/3, Mathura Road, Faridabad:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 139 of 1973

between

SHRI SHIV MURAT, WORKMAN AND THE MANAGEMENT OF M/S GECO INDIA,
13/3, MATHURA ROAD, FARIDABAD

Present—

Shri Shiv Murat, workman concerned with Shri Dharam Pal, authorised representative.

Shri R. P. Chatervedi, Factory Manager, for the management.

AWARD

By order No. 1D/FD/73/35313, dated 7th August, 1973, of the Governor of Haryana, the following dispute between the management of M/s Geco India, 13/3, Mathura Road, Faridabad and its workman Shri Shiv Murat, referred for adjudication to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Shiv Murat is justified and in order? If not, to what relief is he entitled?

The parties were called upon to put in their respective pleadings. They have arrived at an amicable settlement. Their statements have been recorded. Shri Shiv Murat, workman, concerned, has received Rs. 275 in full and final settlement of his entire claim against the management, today before the Court and given up his right of reinstatement or re-employment. There is thus no dispute left between the parties and a no dispute award is made in terms of the above settlement holding that the workman concerned is not entitled to any other relief. There shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 620, dated 28th March, 1975.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 28th March, 1975.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 3657-4Lab-75/12611.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Indian Abrasives, 5, Industrial Area, Faridabad:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 19 of 1975

between

THE WORKMEN AND THE MANAGEMENT OF M/S INDIAN ABRASIVES, 5, INDUSTRIAL AREA, FARIDABAD

Present :

Shri Ram Murti Sharma, for the workmen.

Shri K. P. Aggarwal, for the management.

356
AWARD

The workmen of M/s Indian Abrasives, 5, Industrial Area, Faridabad, had raised certain demands regarding grant of dearness allowance and supply of Gur which were referred for adjudication to this Tribunal by the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section of the Industrial Disputes Act, 1947,—*vide* order No. ID/FD/74/771, dated 6th January, 1975, with the following terms of reference:—

1. Whether the workmen are entitled to the grant of dearness allowance? If so, at what rate?
2. Whether the workmen should be supplied Gur? If so, with what details?

On receipt of the order of reference, the parties were called upon to put in their respective pleadings. They have arrived at an amicable settlement, as per terms and conditions given in the memorandum of settlement, dated 3rd March, 1975, Ex. M-1, which is signed by all the workmen in the Factory including the unit leaders Sarvshri Parkash Chand, Rattan Lal, Prem Chand and Vas Dev. Statements of the authorized representatives of the parties have been recorded.

According to the above settlement, the management has met both the demands of the workmen concerned. It has been agreed that each workman will be given 1.30 K.G. of Gur every month. Regarding the demand for the grant of dearness allowance it has been agreed that from the average living index figure of January, 1975 to April, 1975 the average living index figures of September to December, 1974, will be subtracted and any increase will be paid at 50 N.P. per point effective from 1st January, 1975 as well as 1st May, 1975. Thereafter revision may be upward or downward, as the case may be, after every 4 months at 50 N.P. per point of difference. This increase is linked with Faridabad Consumers Price Index Number. The management has also agreed to give 7 days, sick leave with wages to every workman on rolls in the calendar year, although this demand is not covered by the reference.

In view of the above, no further proceedings are called for and the award is made, as per terms and conditions given in the memorandum of settlement, Ex. M-1, stated above. In the circumstances, there shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,

Industrial Tribunal, Haryana
Faridabad.

Dated the 28th March, 1975.

No. 654, dated the 31st March, 1975.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,

Industrial Tribunal, Haryana
Faridabad.

Dated the 31st March, 1975.

No. 3613-41-75/12613.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Hindustan Machines and Castings, 16/2, Mathura Road, Faridabad:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 110 of 1972

between

SHRI BIDESHI, WORKMAN AND THE MANAGEMENT OF M/S HINDUSTAN MACHINES
AND CASTINGS, 16/2, MATHURA ROAD, FARIDABAD

Present:—

Memo for the workman.

Shri Dharshan Lal Sethi for the management.

AWARD

By order No. 1D/FD/72/45233, dated 14th December, 1972 of the Governor of Haryana, the following dispute between the management of M/s Hindustan Machines and Castings, 16/2, Mathura Road, Faridabad and its workman Shri Bideshi was referred for adjudication to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Bideshi was justified and in order? If not, to what relief is he entitled?"

The parties put in their respective pleadings giving rise to the following two issues.

- (1) Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation? If not, with what effect? (on workman).
- (2) Whether the termination of services of Shri Bideshi was justified and in order? If not, to what relief is he entitled?

The workman closed his evidence after making his own statement and the case was fixed for evidence of the management. Thereafter a joint request for adjournment was made to enable parties to arrive at an amicable settlement and the settlement has been arrived at as alleged on behalf of the management. The workman has not turned up to pursue his claim in person or through authorised representative.

Statement of Shri Darshan Lal Sethi, Proprietor has been recorded. According to him, Shri Bideshi had approached the management for the settlement of the dispute and a sum of Rs. 500/- has been paid to him, in full and final settlement of his entire claim including the right of reinstatement and re-employment, against receipt which is signed by him, copy Exhibit M. 1. He has further proved application Exhibit M. 2 addressed by Shri Bideshi to this Tribunal admitting the above settlement and receipt of Rs. 500/-, in full and final settlement of his dues and the fact that he no longer wants to work in this factory. This application is signed by him and witnessed by Shri N.K. Jaggi, Member Block Samitee, Faridabad.

There is apparently no reason to disbelieve the plea of the settlement of the dispute raised by management as stated above especially when the workman concerned is not coming forward to sue his claim. The Proprietor, Shri Darshan Lal Sethi has sworn testimony to the genuin-ness of the settlement and receipt Exhibit M. 1 as well as the application Exhibit M. 2 made by the workman himself which is witnessed by a member of Block Samitee. These documents can not be expected to be forged ones and the statement on oath made by Shri Darshan Lal Sethi has, therefore, to be believed.

In view of the above, no further proceedings are called for in the case and a no dispute is made in terms of the above settlement arrived at between the parties, holding that workman concerned is not entitled to any other relief. There shall, however, be no order of costs.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 627, dated 28th March, 1975.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 21st March, 1975.